

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

FISHER INDUSTRIES, FISHER SAND
AND GRAVEL CO.,
TGR CONSTRUCTION, INC. AND
NEUHAUS & SONS, LLC,

Defendants.

[illegible]

CASE NO. 7:19-cv-403

PLAINTIFF'S MOTION FOR EXPERTS TO APPEAR TELEPHONICALLY

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now counsel for Plaintiff United States of America and respectfully requests that its witnesses, including experts, be allowed to participate telephonically or via video teleconference in the Hearing set for January 9, 2020 (Temporary Restraining Order/Preliminary Injunction Hearing).

Background

On January 3, 2020, a hearing was held in the above referenced matter regarding a Temporary Restraining Order and Preliminary Injunction. It was discussed amongst the parties that witnesses for Plaintiff and Defendants, would be allowed to appear telephonically.

Counsel for Plaintiff was instructed to submit a motion to the court so that its witnesses, Dr. Apurba Borah (Lead Hydraulic Engineer, Engineering Services Division, United States International Boundary and Water Commission) and Sally Spener (U.S. Secretary/Foreign Affairs

Officer, United States International Boundary and Water Commission) would be able to call in or appear via video conference to offer testimony for the hearing set for January 9, 2020.

Request Relief

Counsel for Plaintiff files this motion as instructed by the court, and respectfully requests that the Court allow witnesses Dr. Apurba Borah and Sally Spener, to call in or appear by video conference to give testimony at the hearing set for January 9, 2020.

Certificate of Conference

I hereby certify counsel for Plaintiff conferred with counsel for the Fisher Defendants and counsel for Neuhaus & Sons, LLC, who indicated they are **NOT OPPOSED** to the relief sought herein.

Conclusion

For the foregoing reasons, Plaintiff United States of America respectfully request that experts Apurba Borah and Sally Spener be allowed to participate in the Hearing on January 9, 2020, telephonically.

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Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas
DANIEL DAVID HU
Chief, Civil Division

By: */s/ E. Paxton Warner*
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Attorney for the United States of America

CERTIFICATE OF SERVICE

I, E. Paxton Warner, Assistant United States Attorney for the Southern District of Texas, hereby certify that on January 7, 2020, I served the foregoing using the Court's ECF notification system on all parties receiving ECF notice in this case.

By: *s/ E. Paxton Warner*
E. PAXTON WARNER
Assistant United States Attorney